

MINUTES

UTAH Massage Therapy Licensing Board MEETING

September 18, 2007

**Room 475 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 3:00 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Craig Sauer - Chairperson
Richard Engar
Ruth Werner
Jennifer Pruetz
Carolyn M Redington

Board Members Absent:

Guests:

Rogers Olbrot, AMTA (American Massage Therapy Association)
Craig Anderson, Ogden Institute of Massage Therapy
Jim Vasquez
April Maeul
Randy Mears, NCBTMB (National Certification Board of Therapeutic Massage and Bodywork)

DOPL Staff Present:

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS: MINUTES:

Mr. Engar seconded by Ms. Pruetz made a motion to approve the minutes from the July 17, 2007 Board meeting, the motion carried unanimously.

Swear in New Board Member

Mr. Ormond issued the Oath of Office to Ms. Redington, and welcomed her to the Board. Ms. Redington then commented that she will be attending the New Board Member training on Monday September 24, 2007 at 9:00 a.m.

APPOINTMENTS:

9:15 a.m. Velasquez, Francisco

Mr. Velasquez did not appear for his scheduled appointment with the Board. Mr. Ormond reviewed Mr. Velasquez's Stipulation (Stipulation and Order), explaining that on August 15, 2007, Mr. Velasquez license to practice as a Massage Therapist was placed on probation for a period of five years. Mr. Velasquez admitted to violating the Code of Ethics of the AMTA (American Massage Therapy Association), and the unprofessional conduct section of Utah Code 58-1.

After a brief discussion it was determined that Mr. Velasquez was not in compliance with his Stipulation, based on his nonappearance at this meeting. Mr. Engar seconded by Ms. Pruetz made a motion to send a non-compliance letter to Mr. Velasquez requiring him to appear at the November 20, 2007 meeting, the motion carried unanimously.

Mr. Velasquez later appeared for his appointment with the Board. Mr. Engar seconded by Ms. Pruetz made a motion to withdraw their previous motion, the motion carried unanimously.

Mr. Ormond again reviewed Mr. Velasquez's Stipulation, reminding Mr. Velasquez that he is required to submit "Employer Reports" monthly for the first six months of this probation, then quarterly there after, and he is required to complete twenty hours of professional education within eighteen months, which focuses on ethics and client boundary issues.

Mr. Velasquez then stated that he has been licensed since 1997 and understands that he made a large error in judgment when he acted inappropriately in this situation. Mr. Velasquez then submitted exemplary letters of recommendation from his current and past employers.

It was determined that Mr. Velasquez is in compliance with his Stipulation and will meet again with the Board on November 20, 2007 at 9:15 a.m.

9:30 a.m. Bever, Troy – Probation Interview

Mr. Bever appeared for his scheduled appointment with the Board. A positive "Employer Report" was received from Mr. LaVoie, of Creative Touch, on September 6, 2007.

After a brief discussion it was determined that Mr. Bever is in compliance with his MOU (Memorandum of Understanding), and will meet again with the Board on January 15, 2008 at 9:45 a.m.

Mr. Bever appeared before the Board for the final approval of Salt Lake Massage Academy's curriculum. The Massage Education Committee had reviewed Mr. Bever's curriculum at the May 4, 2007, and August 17, 2007 meetings. The Committee recommended at the August meeting some final changes to the curriculum and syllabi:

- ◇ Fifteen hours needs to be added to Anatomy, Physiology, and Pathology;
- ◇ Five hours needs to be added to Kinesiology;
- ◇ Five hours needs to be added to Professional Development and Business;
- ◇ Redefine course description of Spa Modalities;
- ◇ Include Chair Massage in Spa Modalities;
- ◇ Sports Massage and Prenatal Massage courses need to be added to Massage Theory; and
- ◇ Textbooks need to be added for the Sports and Prenatal Massage courses.

Copies for both sets of minutes were given to the Board members for review. Mr. Ormond explained that at the May 4th meeting it was brought to the attention of the Committee that Salt Lake Massage Academy's curriculum was very similar to that of another massage school. However, Mr. Bever has now rewritten the curriculum, and the curriculums are no longer similar. Mr. Olbrot commented that he was concerned, with this issue, explaining that Mr. Bever is on probation for false statements and now has attempted to use another massage schools curriculum as his own. Ms. Werner agreed with Mr. Olbrot, she then questioned Mr. Ormond what actions could be taken. Mr. Ormond explained that at this time the Board's responsibility is to either approve or disapprove of Mr. Bever's curriculum. Ms. Werner and Mr. Sauer strongly suggested to Mr. Bever to hire a qualified administrator for this school, Mr. Bever agreed.

A brief discussion ensued regarding if a Massage Therapist could perform, or if a Massage School could teach Hydro-Colonics. Mr. Ormond clarified that after discussing the issue with Ms. Baker, Bureau Manager for Nursing, only a qualified Nurse, or Doctor could perform this procedure, and a Massage School could not teach this procedure.

Ms. Pruetz seconded by Mr. Engar made a motion to approve Salt Lake Massage Academy's curriculum, the motion carried unanimously.

Mr. Rock appeared for his scheduled appointment with the Board. He presented proof that he has completed the six hours of continuing education in Ethics as required in his

Stipulation, and a copy of an expungement order, regarding his June 10, 2004 charge. Mr. Ormond reviewed the expungement order and explained that an expungement order seals the records; it does not remove the conduct of the charge. Mr. Ormond further explained that Mr. Rock's Stipulation is administrative, and is based on the conduct not the charge.

It was then determined that Mr. Rock is in compliance with his Stipulation. Mr. Engar seconded by Ms. Werner made a motion to require Mr. Rock to appear before the Board again on March 18, 2008 at 9:30 a.m., the motion carried unanimously.

It was then mentioned that Mr. Rock's Stipulation does not require him to only work under "Direct Supervision" the Board was concerned with this error, based on the conduct involved in this probation. Mr. Ormond then agreed to ensure that all Stipulations and MOU's for this profession require the licensee to work under "Direct Supervision".

10:15 a.m. Napper, Sid

Mr. Napper appeared for his scheduled appointment with the Board. He explained that he is doing energy work, and teaching.

After a brief discussion it was determined that Mr. Napper is in compliance with his Order (Findings of Fact, Conclusions of Law and Recommended Order). He will meet again with the Board on March 18, 2008 at 9:15 a.m.

10:45 a.m. Anderson, Penny

Ms. Anderson appeared for her scheduled appointment with the Board. Mr. Ormond reviewed her MOU, explaining that she pleaded guilty to one count of illegal possession/use of a controlled substance; a felony which was later reduced to a Class A misdemeanor, on March 28, 2005.

Ms. Anderson explained that she is currently not working in the profession. Mr. Ormond requested that she submit the required monthly "Employer Reports", stating that she is unemployed, until her employment status changes. Ms. Anderson agreed to this request.

After a brief discussion it was determined that Ms. Anderson is in compliance with her MOU, and will meet again with the Board on November 20, 2007 at 10:00 a.m.

11:00 a.m. Parker, Karen

Ms. Parker submitted an application for licensure on July 20, 2007, with a letter requesting to meet with the Board to request a waiver of the NCBTMB exam requirement.

Ms. Parker contacted the Division on September 18, 2007, prior to her scheduled appointment, and requested to be removed from the Agenda. She will be attempting to take the NCBTMB exam; if she cannot pass she may request to be placed on the November Agenda. She is basing her request on the length of time since she graduated from school, and her experience in this profession.

11:15 a.m. Rasmussen, Melissa

Ms. Rasmussen appeared for her scheduled appointment with the Board. Mr. Ormond reviewed Ms. Rasmussen's Stipulation, explaining that she pleaded guilty to one count of obstruction of justice, a Class A misdemeanor; one count of interfering with a legal arrest, a Class B Misdemeanor; and one count of disorderly conduct, a Class C misdemeanor; on August 7, 2007.

The Board was concerned that this Stipulation did not require Ms. Rasmussen to work only under "Direct Supervision". Ms. Rasmussen then explained that she signed a contract with her employer "Creative Touch", which requires her to meet specific dress, ethics, and work requirements. After a detailed discussion the Board determined to require Ms. Rasmussen to designate a supervisor, and meet again with the Board on November 20, 2007 at 9:45 a.m.

11:30 a.m. Rybakova, Anna – Supervisor; Royzen, Olga

Ms. Rybakova and her supervisor Ms. Royzen appeared for their scheduled appointment with the Board, to obtain approval of Ms. Royzen's curriculum for Massage Therapy Apprenticeship. The Board reviewed the curriculum, and explained that the required exam may be changing.

After a brief discussion Ms. Pruetz seconded by Ms. Werner made a motion to approve Ms. Royzen's curriculum with the recommendation to use additional texts, the motion carried unanimously.

11:45 a.m. Thibodeau, Molly – Supervisor; Middleton, Jennifer

Ms. Thibodeau and her supervisor Ms. Middleton appeared for their appointment with the Board, to obtain approval of Ms. Middleton's curriculum for Massage Therapy Apprenticeship. The Board reviewed the curriculum, and explained that the required exam may be changing.

After a detailed discussion Ms. Werner seconded by Mr. Engar made a motion to approve Ms. Middleton's curriculum contingent upon submitting:

- 1) a list of all text books to be used;
- 2) move CPR (Cardiopulmonary Resuscitation) out of Ethics;
- 3) better define Ethics; and
- 4) add charting instruction.

The motion carried unanimously. Ms. Werner then added that the curriculum would be reviewed at the November 20, 2007; Board meeting, however, Ms. Thibodeau and Ms. Middleton would need to attend.

12:00 p.m. Elliot, Ju-Ching – Supervisor;
Middleton, Jennifer

Ms. Elliot and her supervisor Ms. Middleton appeared for their appointment with the Board, to obtain approval of Ms. Middleton's curriculum for Massage Therapy Apprenticeship. The Board reviewed the curriculum, and explained that the required exam may be changing.

After a detailed discussion Ms. Werner seconded by Mr. Engar made a motion to approve Ms. Middleton's curriculum contingent upon submitting:

- 1) a list of all text books to be used;
- 2) move CPR (Cardiopulmonary Resuscitation) out of Ethics;
- 3) better define Ethics; and
- 4) add charting instruction.

The motion carried unanimously. Ms. Werner then added that the curriculum would be reviewed at the November 20, 2007; Board meeting, however, Ms. Elliott and Ms. Middleton would need to attend.

1:30 p.m. NCBTMB Portfolio Review Panel

Mr. Mears, chairperson for the Portfolio Review Panel, of NCBMTB, appeared for his scheduled appointment with the Board. Mr. Mears explained that he had several objectives for this meeting:

- 1) Help the Board to understand the process of "Portfolio Review"; and
- 2) Inform the Board that he will be rewriting the "Portfolio Review Handbook for the NCBTMB", in hopes to better explain the process to applicants.

He then explained that if the Board rewrote R156-47b-302c (5); Apprenticeship Standards for Supervisors, to meet the requirements for Portfolio Review, a Massage Apprentice, can become NCBTMB certified. If an Apprentice can prove that they have completed:

- ◇ 165 supervised in class hours: (125 hours in Human Anatomy, Physiology, and Kinesiology, and 40 hours of Pathology)
- ◇ 200 supervised in class hours: (Formal education/training in massage/bodywork completed in no less than 100 hours per course or course series.)
- ◇ 135 supervised in class hours: (Education/training directly or indirectly related to the courses listed above, 4 hours of Business and 6 hours of Ethics courses.)

After a brief discussion it was determined that Mr. Sauer will create a form, which will be added to the application, for Massage Supervisors to complete, that will help Apprentices meet the qualifications of NCBTMB.

Mr. Mears then informed the Board that NCBMTB is striving to give better customer services, by shortening the time frame it normally takes to get approval to sit for their exam.

DISCUSSION ITEMS:

FSMTB Exam

Mr. Ormond reviewed the proposed rules changes to R156-47b, explaining that:

R156-47b-302b will be rewritten to allow an applicant to take the MBLEx (Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination).

Mr. Ormond then explained that once the proposed rules go into effect the Division will no longer issue a Temporary license. This decision is based on; MBLEx can be taken within one business day.

Mr. Ormond advised the Board that within six months after the MBLEx is accepted the Utah Massage Theory Exam will no longer be acceptable. Mr. Olbrot added that the Division should give the currently licensed Massage Apprentices one year to take this exam, the Board agreed.

It was then determined to make some additional changes to R156-47b:

102- will be rewritten to emulate the "Global" definition of Direct Supervision;

302a- will be changed to require schools curriculums to equal the exam percentage weights of the NCBTMB, NCBTM, and MBLEx exams;

302b- will be rewritten to require both Massage Apprentices and Massage Therapist to take the MBLEx exam; and to require licensees who are licensed in other States to take the NCBTMB or NCBTM exams.

NCBTMB Distance Learning Courses

Mr. Sauer reviewed an email received by the Division on July 26, 2007, from NCBTMB. The email was questioning the Division and Board if "Distance Education" courses would meet the requirements for licensure in Utah. Ms. Werner explained that most "Distance Education" course would be acceptable, except those that are Kinesthetic (hands on). Ms. Werner then added that, if a student could pass the appropriate exams, it would prove if the courses were valuable, the remainder of the Board agreed.

Mr. Ormond explaining that he has discussed the issue with Ms. Higgs, URAP Probation Coordinator. Ms. Higgs explained that all medical licensees who have been disciplined are listed in the National Databank.

AMTA “Find a Massage Therapist”

Reviewed with no further action taken.

ADJOURN: 3:00 p.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 20, 2007

(ss) Craig Sauer

Date Approved

Chairperson, Massage Therapy Licensing Board

November 20, 2007

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional
Licensing